

EXHIBIT X



E. I. du Pont de Nemours and Company
Washington Works
Mail: P.O. Box 1217
Washington, WV 26181-1217

January 16, 2014

eDMR Attachment

Mr. Scott Mandirola, Director
WV Dept. of Environmental Protection
Division of Water and Waste Management
601 57th Street, SE
Charleston, WV 25304-2345

Dear Mr. Mandirola:

WASHINGTON WORKS - NPDES PERMIT WV0001279
MONTHLY MONITORING REPORT FOR DECEMBER 2013

The monthly discharge monitoring report and attachments for December 2013 are enclosed.

The following information details one C3 Dimer Acid/Salt Maximum Daily exceedance during the month of December. (See Attachment 1 for additional details).

<u>Date</u>	<u>Outlet</u>	<u>Parameter</u>	<u>Result</u>	<u>Permit Limit</u>
December 5, 2013	002	C3 Dimer Acid/Salt	160 ug/L	122 ug/L

If you have any questions or concerns, please contact me at (304) 863-4271.

Sincerely,

David F. Altman
Sr. Environmental Control Consultant
DuPont Washington Works

DFA/sll
Enclosures

cc: Ms. Cindy Musser, Field Supervisor
WV-DEP, Environmental Enforcement
2311 Ohio Avenue
Parkersburg, WV 26101

Ms. Norma Green, 3WP31
U. S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Attachment No. 1

Washington Works NPDES Permit WV0001279
Exceedance
December 2013

Date	Outlet No.	Parameter	Result	Permit Limitation	Remarks
12/5/2013	002	C3 Dimer Acid/Salt Maximum Daily Limit	160 ug/L	122 ug/L	Field investigation found pinhole leaks in 2 heat exchangers used in the GX902 recovery process allowing product to reach the cooling water side. The root cause is related to high manganese in the cooling water combined with the waste products of biologic contamination. This led to localized corrosion of the stainless steel exchangers. To prevent reoccurrence additional preventative maintenance activities are being specified for the heat exchangers in the recovery process. On plant sampling and analytical capabilities are being upgraded to be able to detect this type of leak source.

EXHIBIT Y



E. I. du Pont de Nemours and Company
Washington Works
Mail: P.O. Box 1217
Washington, WV 26181-1217

August 18, 2014

eDMR Attachment Letter

Mr. Scott Mandirola, Director
WV Dept. of Environmental Protection
Division of Water and Waste Management
601 57th Street, SE
Charleston, West Virginia 25304-2345

Dear Mr. Mandirola:

WASHINGTON WORKS - NPDES PERMIT WV0001279
MONTHLY MONITORING REPORT FOR JULY 2014

The monthly discharge monitoring report and attachments for July 2014 are enclosed.

The following information details an exceedance for Total Suspended Solids (Net) noted during the month of July. (See Attachment No. 1 for additional details):

<u>Date</u>	<u>Outlet</u>	<u>Parameter</u>	<u>Sample Result</u>	<u>Permit Limit</u>
July 2, 2014	002	C3 Dimer Acid/Salt	140.0 ug/L	112 ug/L
July 24, 2014	105	TSS (Max. Daily)	2,648.9 lbs/day	2,178 lbs/day
July 2014	105	TSS (Avg. Monthly)	998.7 lbs/day	715 lbs/day

If you have any questions, please contact me at (304) 863-4271.

Sincerely,

David F. Altman
Sr. Environmental Control Consultant
DuPont Washington Works

DFA/slb
Enclosures

cc: Ms. Cindy Musser, Field Supervisor
WV-DEP, Environmental Enforcement
2311 Ohio Avenue
Parkersburg, WV 26101

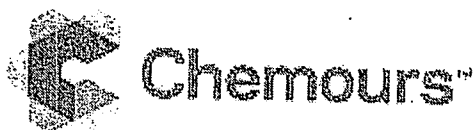
Ms. Norma Green, 3WP31
U. S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Attachment No. 1

Washington Works NPDES Permit WV0001279
Exceedances
July 2014

Date	Outlet No.	Parameter	Result	Permit Limitation	Remarks
July 2, 2014	002	C3 Dimer Acid/Salt	140 ug/L	112 ug/L	The weekly sample pulled from Outfall 002 for the week of 7/2/2014 exceeded the maximum daily limit for C3 Dimer Acid/Salt. The PTFE area continues to investigate this exceedance. While no assignable cause has yet been determined for this occurrence, the area is working to identify potential root causes and put preventative measures in place.
July 24, 2014	105	TSS (Maximum Daily)	2648.9 lbs/day	2178 lbs/day	The total suspended solids analysis on the composite sample collected July 24, 2014 along with an increase in flow rate caused an exceedance of the daily maximum limit which in turn caused an exceedance in the average monthly limit. Floc formation was observed in the days prior. The root cause of the excess solids is currently unknown and under investigation.
July 2014	105	TSS (Average Monthly)	998.7 lbs/day	715 lbs/day Average Monthly	See remarks above.

EXHIBIT Z



The Chemours Company
Washington Works
8480 DuPont Road
PO Box 1217
Washington, WV 26181

304-863-4000
chemours.com

October 14, 2015

eDMR Attachment

Mr. Scott Mandirola, Director
WV Dept. of Environmental Protection
Division of Water and Waste Management
601 57th Street, SE
Charleston, WV 25304-2345

Dear Mr. Mandirola:

WASHINGTON WORKS - NPDES PERMIT WV0001279
MONTHLY MONITORING REPORT FOR SEPTEMBER 2015

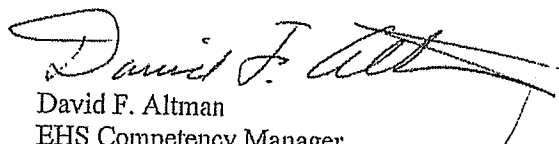
The monthly discharge monitoring report and attachments for September 2015 are enclosed.

The following information details an exceedance for C3 Dimer Acid/Salt on September 24, 2015 (see further information in attachment):

<u>Date</u>	<u>Outlet</u>	<u>Parameter</u>	<u>Result</u>	<u>Permit Limit</u>
September 24, 2015	005	C3 Dimer Acid/Salt	440 ug/L	278 ug/L Max. Daily

If you have any questions or concerns, please contact me at (304) 863-4271.

Sincerely,


David F. Altman
EHS Competency Manager
Chemours Washington Works

DFA/aac:sb
Enclosures

cc: Mr. Ryan Harbison, Supervisor
WV-DEP, Environmental Enforcement
#18 Putnam Village
Teays, WV 25569

Ms. Norma Green, 3WP31
U. S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Attachment No. 1

Washington Works NPDES Permit WV0001279
Exceedances
September 2015

Date	Outlet No.	Parameter	Result	Permit Limitation	Remarks
September 24, 2015	005	C3 Dimer Acid/Salt	440 ug/L	278 ug/L Maximum Daily	The source of the release was identified in the Fluoroproducts operations area. A gasket in a dairy fitting in the aqueous waste line for dryer #1 was compromised. The leaking gasket allowed aqueous waste material to enter a sump that discharges to Outfall 005. It was determined that the gasket was in service beyond its useful life. Containment was achieved via replacement of the compromised gasket. Going forward, the gasket will be replaced on a set frequency to ensure it does not reach end of life.

EXHIBIT AA

Emerging Per- and Polyfluoroalkyl Substances (PFAS)

Andrew B. Lindstrom¹, Jason E. Galloway², Mark J. Strynar¹,
Detlef Knappe³, Mei Sun⁴, Seth Newton¹, Linda K. Weavers²

¹U.S. Environmental Protection Agency, ²The Ohio State University,

³North Carolina State University, ⁴University of North Carolina Charlotte

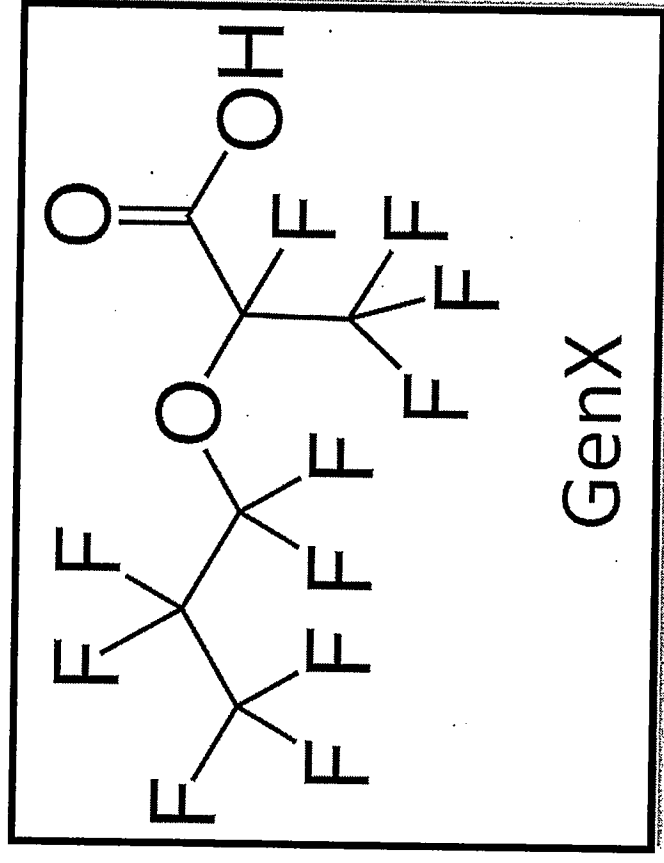


Northeastern University
*Social Science Environmental Health
Research Institute*

Highly Fluorinated Compounds
Social and Scientific Discovery
Northeastern University Social Science
Environmental Health Research Institute
June 14 – 15, 2017

GenX

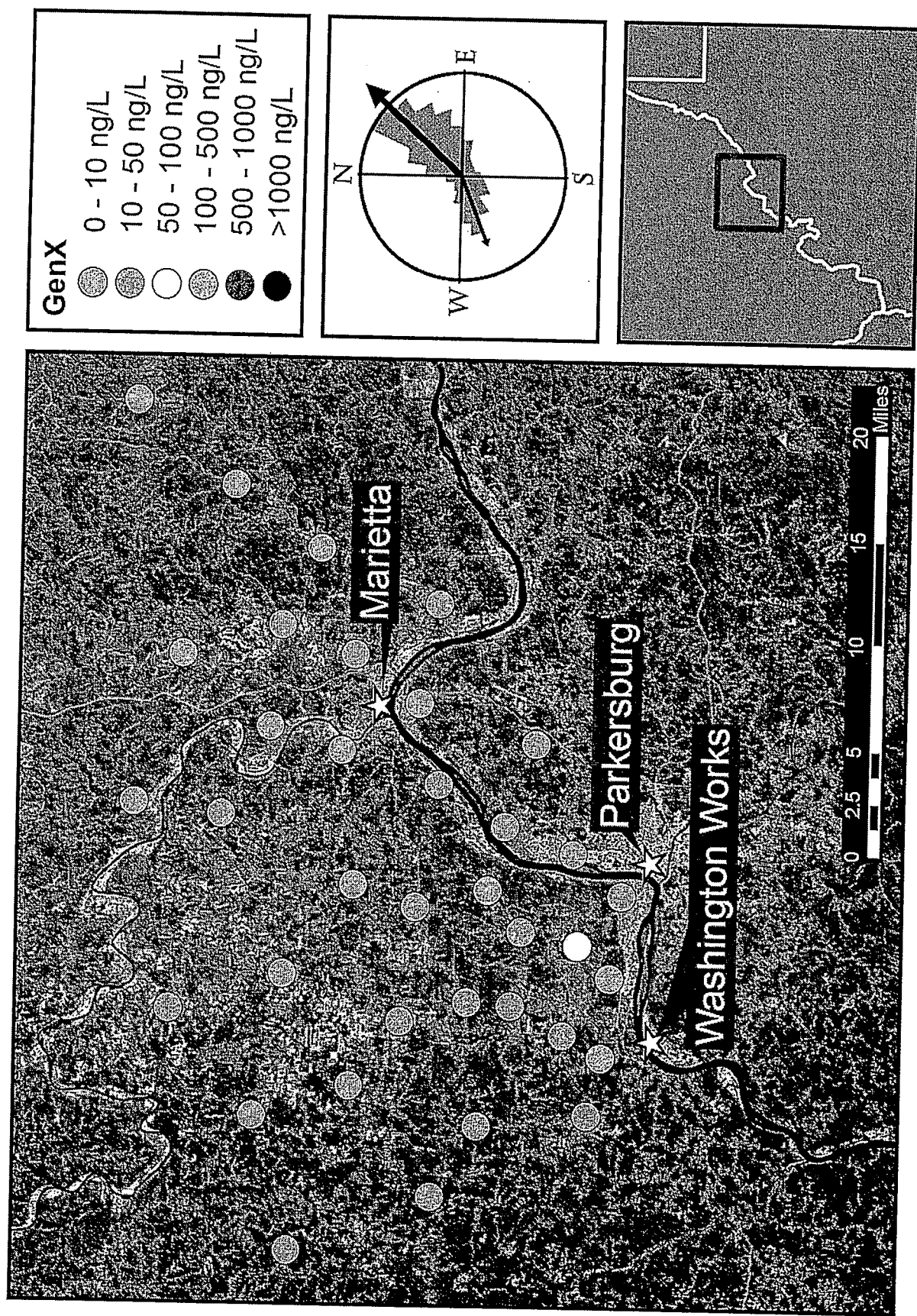
- Identity originally protected as Confidential Business Information (CBI)
- Still persistent, still toxic, but less bioaccumulative than C8
- DuPont studies found effects on rats similar to C8, including possible endocrine/immune disruption, enlarged livers and kidneys, and cancer
- Approved by the EPA, no further



Trip #3 – Little Hocking and Beyond



Extended Sampling Results



Conclusions

- The presence of significant levels of PFOA (>100 ng/L) in surface water more than 15 miles from the facility and quantifiable levels (>10 ng/L) more than 25 miles away suggest local contamination may be more extensive than originally thought
- The discovery of GenX at many of the collection sites suggests the replacement PFAS is contaminating the local environment via air deposition as well
- More testing is needed – especially private well water between the boundaries of the Little Hocking Public Water district and the Muskingum River

Questions?

Email: lindstrom.andrew@epa.gov
galloway.18@osu.edu

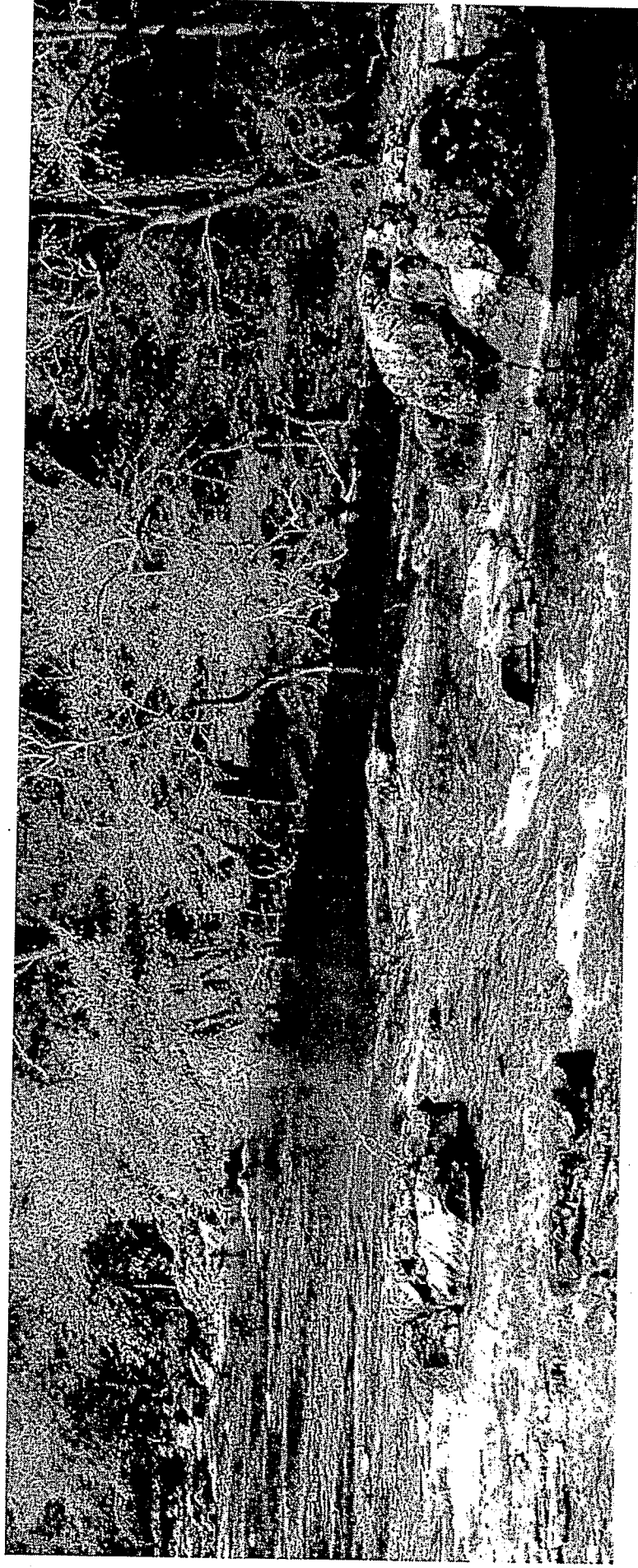


EXHIBIT BB



NC significantly lowers GenX health standard

By Adam Wagner GateHouse Media

Posted Jul 14, 2017 at 4:27 PM

Updated Jul 14, 2017 at 10:20 PM

Officials said move made after analyzing new research data

RALEIGH -- The N.C. Department of Health and Human Services' newly revised health goal for GenX exposure is more than 500 times lower than the safe level from a preliminary assessment, released a month ago, according to a joint news release sent Friday by the state health department and the N.C. Department of Environmental Quality.

A preliminary DHHS health assessment released in early June used a two-year chronic toxicity study performed on rats to determine a danger level in humans of 70,909 parts per trillion (ppt). Based on newly discovered data, DHHS said Friday, the updated health goal for vulnerable populations is 140 ppt.

"This health assessment is not a boundary line between a 'safe' and 'dangerous' level of a chemical," DHHS said in a frequently asked questions document prepared for the release.

"Rather, it is a level that represents the concentration of GenX at which no adverse non-cancer health effects would be anticipated over an entire lifetime to the most sensitive population."

The updated assessment uses body weight and water intake levels associated with infants because they typically consume the highest amount of water in relation to their body weights. Other vulnerable populations described in the report include pregnant women, nursing mothers and children.

Samples taken June 22 indicated levels several times higher than 140 ppt in drinking water in Brunswick, New Hanover and Pender counties.

Those tests were the only ones expected to record accurate levels of GenX in the water when Chemours was conducting the **vinyl ether process the company said** was resulting in GenX discharge. Chemours **started capturing** wastewater from the process June 21, and it takes about three days for the chemical to flow to the intake.

Later samples taken at eight downriver sites June 29 and July 6 -- after Chemours started capturing wastewater -- indicate levels largely below the 140 ppt level, according to the release. On June 29, a sample of International Paper's finished water showed a level of 140 ppt, while a Pender County water treatment plant showed a level of 160 ppt.

DHHS also said Friday it "will not" be making a blanket recommendation about water use but will continue to work with local governments and water providers.

"Our goal is to protect the safety and health of all North Carolinians. We are working closely with our partners the Department of Environmental Quality to understand and communicate information in a timely manner, to help those impacted," Mandy Cohen, the N.C. DHHS secretary, said in the release.

Thursday, DEQ said Chemours told them it had **discovered and started** capturing wastewater from separate processes that were releasing GenX into the Cape Fear. State inspectors visited the site Wednesday to confirm that is the case.

As part of its Friday release, DHHS recommended that swimmers avoid the river around Chemours' discharges.

A Chemours official has not responded to two separate requests for comment regarding that discharge. Just before 9 p.m. Friday, he emailed a reporter about Friday's updated standard to say, "We continue to work closely with local, state and federal officials to determine the appropriate next steps."

'Angrier and more frustrated'

Local officials and residents met Friday's release with near-uniform concern.

Wilmington Mayor Bill Saffo said Friday afternoon he had not seen the DHHS news release, but that the revised health goal raises even more questions about how GenX affects human health.

"Obviously that's a concern, that's a serious concern that I have," he said. "I'm glad that Health and Human Services did the evaluation after hearing everything that was going on down here. I think that the more information the public knows about this product that has been going into the river since the 1980s, the better."

Woody White, chairman of the New Hanover County Commissioners, was entering a conference call about the news when a reporter called him at about 4:45 p.m. Friday. Afterward, he expressed mounting frustration with how state officials have handled the matter.

"I was hoping that we would hear good news," White said, "and what I heard today makes me angrier and more frustrated than I've been about this issue in the last five weeks."

White expressed concern that much of the data about what levels are in the river was taken after Chemours stopped discharge and that there isn't a significant amount of data from the previous 37 years Chemours officials have been conducting the vinyl ether process at their Fayetteville Works facility, about 100 miles upstream from Wilmington.

Kemp Burdette, the Cape Fear riverkeeper, was immediately reminded Friday afternoon of how DuPont, which spun Chemours off two years ago, handled C8 in Parkersburg, West Virginia. Chemours started producing GenX because of mounting health concerns and legal challenges tied to C8.

"It means there's no question about whether that discharge needs to be shut off," Burdette said of the revised number. "I think we've been discharging an unsafe level of a compound into the river for 37 years."

Chemours and DuPont, Burdette said, should prepare to conduct a health study akin to the C8-related one they conducted in and around Parkersburg.

Another factor that could be affected by the updated numbers is legal challenges. Lawyers are continuing to solicit clients for civilian complaints, even as governments -- including New Hanover County and CFPUA -- investigate their legal options.

"I hope that federal prosecutors are watching and reading these same reports that we're getting," White said. "I believe that at the very minimum there are significant civil penalties that should be assessed for releasing any contaminant into our water, and I'm starting to think more and more each day that a criminal offense could have occurred."

'Incorporated uncertainty factors'

The 140 ppt health goal is a non-enforceable target below which, according to DHHS, a lifetime of exposure should result in no adverse health effects. A 2016 study that included data from samples taken in 2013 and 2014 found an average concentration at CFPUA's intake on the Cape Fear of about 631 parts per trillion.

Initially, DHHS used a sole, two-year cancer study conducted on rats to set its 70,909 ppt limit. The new 140 ppt number takes into account six studies, in addition to the Sun et al. study that located the chemical in the Cape Fear.

DHHS' number fell, the department wrote, because it used a new set of animal studies as a starting point -- dropping the standard 10-fold. Then it focused on intermediate health effects such as liver disease and red blood cell impacts rather than chronic conditions, lowering the standard another 10 fold.

Then, because of the lack of information about GenX, it used a standard EPA assumption that only 20 percent of exposure is through drinking water, lowering the standard another five-fold.

"They incorporated uncertainty factors and those uncertainty factors weren't included in the first iteration," said Jamie DeWitt, an East Carolina University toxicologist who has studied GenX and other chemicals from the same class.

When there are a vast amount of unknowns -- as there are about GenX -- it is often safer, she said, to include uncertainty in risk assessments. As doctors and scientists learn more about emerging contaminants, DeWitt added, the safety levels are typically reduced, as they were Friday.

"A lot of times when we do risk assessments, when we get more data, we tend to reduce those values," she said, later adding, "Very often ... more information demonstrates that toxicity is likely greater than what we anticipated."

Burdette, the Cape Fear riverkeeper, slammed Friday the initial number, saying it makes him question other safety levels determined by the department.

"It reveals that DHHS acted recklessly (in June). That they picked a number kind of out of the air without bothering to pay attention to where the research was coming from," he said, "without bothering to look for additional research that might provide an alternate opinion."

White echoed those complaints, saying he was bothered last month when, during a largely closed-door meeting with state and local officials, Chemours officials cited the 70,909 ppt standard as the safety level.

DeWitt said Friday's release further indicates the need for additional research while also adding urgency to the removal of GenX from the Cape Fear.

"It demonstrates we want to make sure (GenX) is not released into the environment at a level that exceeds this value," she said, "and if it is, that there are appropriate technologies to remove it from the water."

Staff writer Cammie Bellamy contributed reporting.

*Reporter Adam Wagner can be reached at 910-343-2389 or **Adam.Wagner**@GateHouseMedia.com.*

EXHIBIT CC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

January 9, 2017

VIA EMAIL AND REGULAR MAIL

Robert A. Bilott, Esq.
Taft Stettinius & Hollister LLP
1717 Dixie Highway, Suite 910
Covington, KY 41011-4704

RE: In the Matter of The Chemours Company and E.I. du Pont de Nemours
and Company, Docket Nos. SDWA-03-2009-0127-DS and SDWA-05-2009-0001

Dear Mr. Bilott:

This letter responds to your August 15, 2016 letter to the U.S. Environmental Protection Agency seeking confirmation of plans to revise and update the above-referenced Consent Order. Enclosed please find a copy of a First Amendment to the Consent Order, which has been filed with the Regional Hearing Clerks for Regions III and V, respectively.

If you have any questions, please contact Andrew Duchovnay, the staff attorney assigned to this matter, at 215-814-2484.

Sincerely,

A handwritten signature in cursive script, reading "Mary B. Coe", is written over a horizontal line.

Mary B. Coe
Regional Counsel

Enclosure

cc: Andrew Duchovnay, Esq.
Jacqueline Clark, Esq.



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Customer Service Hotline: 1-800-438-2474*

2017 JAN -5 PM 12:20

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY



REGION III
1650 Arch Street
Philadelphia, PA 19103-2029

REGION V
77 West Jackson Boulevard
Chicago, IL 60604

IN THE MATTER OF:

The Chemours Company
and
E. I. du Pont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

Respondents.

Washington Works Facility
Route 892 South
Washington, WV 26181

FIRST AMENDMENT TO ORDER
ON CONSENT

Proceeding under Section 1431(a)(1)
of the Safe Drinking Water Act,
42 U.S.C. § 300i(a)(1)

Docket Nos. SDWA-03-2009-0127-DS
SDWA-05-2009-0001

FIRST AMENDMENT TO ORDER ON CONSENT

WHEREAS, on March 10, 2009, E. I. du Pont de Nemours and Company ("DuPont") and the United States Environmental Protection Agency ("EPA") entered into an Administrative Order on Consent (Docket Nos. SDWA-03-2009-0127-DS and SDWA-05-2009-0001) (the "Consent Order") pursuant to Section 1431(a)(1) of the Safe Drinking Water Act, 42 U.S.C. § 300i(a)(1), under which DuPont offered and/or provided, *inter alia*, temporary and/or permanent alternate drinking water supplies to public and private water systems in the vicinity of a manufacturing facility known as the Washington Works (the "Facility") located in Wood County, West Virginia where perfluorooctanoic acid ("PFOA") was detected in finished water systems at concentrations equal to or greater than 0.40 micrograms per liter ("µg/L") or parts per billion ("ppb"); and

WHEREAS, on or about February 1, 2015, The Chemours Company ("Chemours") was formed as a wholly-owned subsidiary of DuPont and took over ownership and operation of the Facility; and

WHEREAS, DuPont currently leases a portion of the Facility from Chemours and continues to operate the following production units on that portion of the Facility under a State-issued Title V operating permit: Acetal Resin Production, Nylon Resins Production, Engineering Polymers Compounding Production - East, Specialty Compounding Production, Filaments Production and Development and Laboratory Services (Title V Permit R30-10700001 Parts 3, 5, 6, 8, 9, and 13); and

WHEREAS, on or about July 1, 2015, Chemours became an independent publicly-traded company, and, in accordance with various transaction documents relating to the corporate reorganization between DuPont and Chemours, has been implementing the requirements of the Consent Order since that time; and

WHEREAS, DuPont remains a Respondent to the Consent Order; and

WHEREAS, DuPont for more than ten years and Chemours since its formation in 2015 have worked cooperatively with EPA in providing water treatment to local communities in the vicinity of the Facility. As of June 30, 2016, DuPont and Chemours had installed and are maintaining seven granulated activated carbon treatment ("GAC Treatment") systems for six public water supply systems. In addition, DuPont and Chemours have offered connection to a public water system, installation of a GAC Treatment system, installation of another EPA-approved form of treatment, or bottled water (where connection to a public water system, installation of a GAC Treatment system, or installation of an alternative EPA-approved form of treatment was not feasible) to owners of residences using private water systems. As of June 30, 2016, DuPont and Chemours had connected 57 private water systems to a public water system, had installed and are operating GAC Treatment at approximately 61 private water systems, and are providing bottled water on a long-term basis to 5 private water systems; and

WHEREAS, EPA's findings in Section IV of the Consent Order reflect data and information available as of 2009; and

WHEREAS, based upon current science; changed circumstances; new, site-specific information; and EPA's issuance of a Lifetime Health Advisory value for PFOA on May 19, 2016,¹ EPA and DuPont wish to amend certain provisions of the Consent Order as set forth herein, and to add Chemours as a Respondent to the Consent Order; and

NOW THEREFORE, upon the consent and agreement of DuPont, Chemours, and EPA, it is hereby agreed as follows:

¹ United States Environmental Protection Agency's Office of Water, *Drinking Water Health Advisory for Perfluorooctanoic Acid (PFOA)* (including *Health Effects Support Document for Perfluorooctanoic Acid (PFOA)*) (EPA, 2016). Available at <https://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos>.

1. The term "Order" shall be replaced with the term "Consent Order" in Paragraphs 1 through 55 and Paragraphs 57 through 60 of the Consent Order except in the phrase "Order on Consent" in Paragraphs 1 and 21 of the Consent Order.
2. Paragraph 4 in the Consent Order shall be revised as follows: The Chemours Company ("Chemours") and E. I. Du Pont de Nemours and Company ("DuPont") (collectively, "Respondents") consent to EPA's jurisdiction to issue this Consent Order. Chemours and DuPont do not admit to the EPA Findings in this Consent Order and agree to ensure performance of the work set forth in this Consent Order.
3. Paragraph 5 in the Consent Order shall be revised as follows: Chemours and DuPont waive any defenses they might have as to jurisdiction and venue and agree not to contest any of the findings of fact or conclusions of law herein in any action to enforce this Consent Order. Except as to any proceeding brought by EPA to enforce this Consent Order, in agreeing to this Consent Order, Chemours and DuPont make no admission of fact or law, and reserve all rights and defenses available regarding liability or responsibility in any other legal proceeding related to the subject matter of this Consent Order. The findings of fact and conclusions of law contained herein are for purposes of this Consent Order only. Chemours and DuPont further waive any rights to appeal this Consent Order that would be otherwise applicable under the SDWA, including under Section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).
4. Paragraph 8 in the Consent Order shall be revised as follows: For purposes of this Consent Order, PFOA or C-8 is perfluorooctanoic acid, CAS # 335-67-1, and its salts, including ammonium perfluorooctanoate, CAS # 3825-26-1 ("APFO"). These are man-made perfluorinated compounds that do not occur naturally in the environment.
5. The following definition shall be added to Section III (Definitions and Background) of the Consent Order as Paragraph 14a: "EDD" format is Electronic Delimited Data format for submission of all analytical data.
6. The following definition shall be added to Section III (Definitions and Background) of the Consent Order as Paragraph 14b: "Alternate drinking water supply" shall mean: water from a source acceptable to EPA that meets the water quality requirements of 40 C.F.R. Part 141 and that contains PFOA at a concentration not exceeding 0.07 ppb in finished water where applicable; is in sufficient quantity for drinking and cooking; and is provided in a manner convenient to the users.
7. The following definition shall be added to Section III (Definitions and Background) of the Consent Order as Paragraph 14c: "Temporary alternate drinking water supply" shall mean: an alternate drinking water supply that is provided on a temporary or short-term basis. A temporary alternate drinking water supply includes bottled water and bulk tanks of water that have been approved by the state or local health department(s) (e.g., water buffalos).

8. The following definition shall be added to Section III (Definitions and Background) of the Consent Order as Paragraph 14d: "Permanent alternate drinking water supply" shall mean: an alternate drinking water supply that is provided on a permanent or long-term basis. A permanent alternate drinking water supply includes, but is not limited to, connection of a private water system to a public water system or installation of a granulated activated carbon water treatment ("GAC Treatment") system at a public or private water system.

9. Paragraph 15 in the Consent Order shall be revised as follows: Chemours and DuPont are both corporations and therefore are "persons" within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. § 300f(12).

10. Paragraph 16 in the Consent Order shall be revised as follows: Between 1948 and 2015, DuPont owned and operated a manufacturing facility known as the Washington Works ("Facility"), located in Washington, Wood County, West Virginia. On or about February 1, 2015, Chemours was formed as a wholly-owned subsidiary of DuPont and took over ownership and operation of the Facility. DuPont currently leases a portion of the Facility from Chemours and continues to operate the following production units on that portion of the Facility under a State-issued Title V operating permit: Acetal Resin Production, Nylon Resins Production, Engineering Polymers Compounding Production - East, Specialty Compounding Production, Filaments Production and Development and Laboratory Services (Title V Permit R30-10700001 Parts 3, 5, 6, 8, 9, and 13). On or about July 1, 2015, Chemours became an independent publicly-traded company and, in accordance with various transaction documents relating to the corporate reorganization between DuPont and Chemours, has been implementing the requirements of the Consent Order since that time. DuPont remains a Respondent to the Consent Order.

11. Paragraph 17 in the Consent Order shall be revised as follows: DuPont used C-8, in the form of APFO, in its manufacturing processes at the Facility between the early 1950s and 2013.

12. In Sections V (Order on Consent) and VI (General Provisions) of the Consent Order, all references to "DuPont" shall be replaced with the term "Respondents" unless otherwise indicated herein.

13. Paragraph 42 of Section V (Order on Consent) of the Consent Order shall be removed and replaced with the following: Pursuant to the authority given to the EPA Administrator by Section 1431(a)(1) of the SDWA, 42 U.S.C. § 300i(a)(1), and delegated to the Regional Administrators, Respondents are ORDERED and hereby consent to ensuring performance of the work as follows in response to EPA's determination in Paragraph 39, above:

- a) Provision of Temporary Alternate Drinking Water to Private Water Systems with Existing Sampling Data. For those private water systems where existing validated data demonstrates levels of PFOA above 0.07 ppb² in their finished water, Respondents shall

² United States Environmental Protection Agency's Office of Water, "Drinking Water Health Advisory for

offer a temporary alternate drinking water supply as soon as practicable, but in any event no later than fourteen (14) days after the Effective Date. Respondents may offer to resample such private water systems to confirm existing sampling results. If the resident using the private water system accepts the offer of resampling and validated data from such resampling demonstrate that levels of PFOA are at or below 0.07 ppb in the finished water, Respondents shall resample the private water system on a quarterly basis to demonstrate to the satisfaction of EPA that the source water contains PFOA at concentrations equal to or less than 0.07 ppb for four consecutive quarters. If the source water contains concentrations of PFOA greater than 0.07 ppb, Respondents shall continue to offer a temporary alternate drinking water supply until one or more of the following circumstances have been met: (i) Respondents fully implement the Model Water Treatment Plan, which has been approved by EPA and is attached hereto as Exhibit A; or (ii) the resident declines the offers for temporary or permanent alternate drinking water supplies or resampling; or (iii) the resident is non-responsive to the offers of temporary or permanent alternate drinking water supplies or resampling (as determined by EPA); or (iv) until Respondents demonstrate to the satisfaction of EPA that the source water contains concentrations equal to or less than 0.07 ppb of PFOA for four consecutive quarters; or (v) the conditions of Paragraph 59 have been met. Respondents shall be responsible for all costs of the provision of temporary or permanent alternate drinking water supplies.

- b) Provision of Temporary Alternate Drinking Water – Public Water Systems with Existing Sampling Data. For those public water systems where existing validated data demonstrates levels of PFOA above 0.07 ppb in their finished water, Respondents shall offer a temporary alternate drinking water supply as soon as practicable, but in any event no later than fourteen (14) days after the Effective Date. Respondents shall offer a temporary alternate drinking water supply until they can fully implement the Model Water Treatment Plan, which has been approved by EPA and is attached hereto as Exhibit A, or the public water system either declines the offer of a permanent alternate drinking water supply or is non-responsive to the offer of a permanent alternate drinking water supply (as determined by EPA). Respondents shall be responsible for all costs of the provision of temporary or permanent alternate drinking water supplies.
- c) Provision of Temporary Alternate Drinking Water – Variances. Respondents may provide bottled water or bulk tanks of water (e.g., water buffalos) as a temporary alternate drinking water supply without seeking prior approval from EPA. If Respondents intend to provide a temporary alternate drinking water supply other than bottled water or bulk tanks of water, Respondents shall submit a plan for a variance to EPA for its review and approval (“Variance”). If EPA approves the Variance in writing, Respondents may implement the approved Variance, so long as bottled water or water in bulk tanks is provided until such time as the Variance is fully operational and

demonstrated to be effective in providing potable drinking water containing PFOA at levels equal to or below 0.07 ppb.

- d) Provision of Alternate Drinking Water – Declined or No Response to Offers for Sampling or Treatment. Within fourteen days (14) days after the Effective Date, Respondents shall provide a list to EPA of all public or private water systems that previously declined or did not respond to offers of temporary or permanent alternate drinking water supplies. Respondents shall also include in each quarterly progress report required to be submitted to EPA under Paragraph 43 an updated list of all public and private water systems that have declined or not responded to offers of temporary or permanent alternate drinking water supplies. In addition, Respondents shall include on such list any public or private water systems that receive offers of sampling pursuant to Paragraphs 42(a), 42(g) or 42(i) but decline or do not respond to such offers. Within thirty (30) days after the Effective Date and annually thereafter, Respondents shall contact those public and private water systems on the most current version of the list submitted to EPA as described above to seek each water system's current response regarding sampling or provision of temporary or permanent alternate drinking water supplies. If at any time an offer to sample is accepted, then Respondents shall follow the provisions set forth in Paragraph 42(g) and the water system shall be removed from the list being maintained pursuant to this Paragraph 42(d) unless the water system declines or fails to respond to an offer of temporary or permanent alternate drinking water supplies. If at any time an offer to provide a temporary alternate drinking water supply is accepted, then Respondents shall provide a temporary alternate drinking water supply as soon as practicable, but in any event no later than fourteen (14) days after the offer is accepted, and follow the provisions of Paragraphs 42(a) and (b), as applicable. Such water system shall be removed from the list being maintained pursuant to this Paragraph 42(d) unless the water system declines or fails to respond to an offer of a permanent alternate drinking water supply. If at any time an offer to provide a permanent alternate drinking water supply is accepted, then Respondents shall implement the Model Water Treatment Plan, which has been approved by EPA and is attached hereto as Exhibit A, for such water system and the water system shall be removed from the list being maintained pursuant to this Paragraph 42(d). Respondents shall be responsible for all costs of the provision of a temporary or permanent alternate drinking water supply.
- e) New and Existing Private Water Systems Receiving Treatment. For private water systems at which Respondents have already installed or will install GAC Treatment, Respondents shall provide for operation and maintenance of each GAC Treatment system in good working order, including but not limited to, timely replacement of carbon filters, until Respondents demonstrate to the satisfaction of EPA that the source water in the system prior to GAC Treatment contains PFOA at concentrations equal to or less than 0.07 ppb for four consecutive quarters, or the conditions of Paragraph 59 have been met. Respondents may also elect to satisfy any ongoing obligation under this Paragraph 42(c) by connecting a particular location to a public water system that contains PFOA at concentrations equal to or less than 0.07 ppb in finished water. If Respondents connect a

private water system to a public water system that contains PFOA at concentrations equal to or less than 0.07 ppb in finished water, Respondents shall have no further obligations under this Paragraph 42 with respect to such private water system.

- f) New and Existing Public Water Systems Receiving Treatment. For public water systems at which Respondents have already installed or will install GAC Treatment, Respondents shall provide for operation and maintenance of each GAC Treatment system in good working order, including but not limited to timely carbon bed changes, until Respondents demonstrate to the satisfaction of EPA that the source water in the system prior to GAC Treatment contains PFOA at concentrations equal to or less than 0.07 ppb for four consecutive quarters, or the conditions of Paragraph 59 have been met. If Respondents connect a public water system to another public water system that contains PFOA at concentrations equal to or less than 0.07 ppb in finished water, Respondents shall have no further obligations under this Paragraph 42 with respect to such public system that was connected to an alternate drinking water supply.
- g) Sampling of Private and Public Water Systems. Respondents shall, in accordance with the scope of work attached hereto as Exhibit B, offer to sample and, if the offer is accepted, sample the finished water at private and public water systems installed between 2009 and 2016 as identified by the county departments of health in Athens, Meigs and Washington Counties in Ohio and in Wood County in West Virginia, provided that such private and public water systems (i) have not been previously sampled, and (ii) are located in the geographic areas in the vicinity of the Facility described in the scope of work attached hereto as Exhibit B. In addition, Respondents shall offer to resample and, if the offer is accepted, resample private and public water systems where existing or new validated data demonstrate that PFOA is present at concentrations above 0.05 ppb but not greater than 0.07 ppb. Respondents shall notify EPA of monitoring results within seven (7) days after the data are validated through Respondents' internal data quality control/quality assurance procedures. Respondents shall also notify owners or operators of private and public water systems of monitoring results within ten (10) days after the data are validated through Respondents' internal data quality control/quality assurance procedures. If an offer to sample or resample is accepted and the sampling results for PFOA are at or below 0.05 ppb, then no additional sampling is required. If an offer to sample or resample is accepted and sampling results show PFOA to be present at concentrations between 0.05 ppb and 0.07 ppb, Respondents shall continue to monitor the finished water for the presence of PFOA on a quarterly basis until Respondents demonstrate to the satisfaction of EPA that the finished water contains PFOA at concentrations equal to or less than 0.07 ppb for four consecutive quarters, or the conditions of Paragraph 59 have been met. If an offer to sample or resample is accepted and the sampling results show PFOA to be present in finished water at concentrations above 0.07 ppb, Respondents shall offer a temporary alternate drinking water supply as soon as practicable, but in any event no later than fourteen (14) days after the receipt of validated data, and implement the Model Water Treatment Plan, which has been approved by EPA and is attached hereto as Exhibit A, for such water system. If a water

system owner or operator either (i) declines an offer to sample or resample, or (ii) does not respond to an offer to sample or resample within forty-five (45) days after the offer is made, whichever occurs first, Respondents shall notify EPA in writing within ten (10) days thereafter.

- h) Survey, Identification and Sampling of Private and Public Water Systems. As described in the scope of work for new geographic areas defined by EPA (after consultation with West Virginia and Ohio), which scope of work has been approved by EPA and is attached hereto as Exhibit B, Respondents shall conduct a water system survey and sampling of private and public water systems for the presence of PFOA in finished water. Respondents shall commence the initial water system survey of representative systems within seven (7) days after the Effective Date. Where representative sampling results show PFOA to be present at concentrations above 0.05 ppb in finished water at a particular location, Respondents will expand the sampling of private and public water systems in proximity to that location and offer sampling to determine if PFOA is present in finished water at concentrations above 0.07 ppb. In addition, Respondents shall follow the applicable provisions set forth in Paragraph 42(g) after receipt of validated data.
- i) Newly Activated or Permitted Water Systems. Respondents shall, on a quarterly basis following the Effective Date, contact in writing all county departments of health within the geographic areas defined by EPA (after consultation with West Virginia and Ohio and as described in the scope of work attached hereto as Exhibit B) to request that such county departments of health identify any newly activated public or private water systems since the receipt of the prior written request from Respondents. Respondents shall, within seven (7) days after learning of any newly activated public or private water system based on the responses to the written requests to the county departments of health as described above that is located in the geographical areas defined by EPA, offer to sample the water system. If the offer is accepted, Respondents shall follow the applicable provisions set forth in Paragraph 42(g) after receipt of validated data. Respondents shall continue to request that county health departments identify any newly activated public or private water systems in the geographical areas defined by EPA until Respondents demonstrate to the satisfaction of EPA that the USDWs in these geographical areas (or a subset of those areas) contain PFOA at concentrations equal to or less than 0.07 ppb for four consecutive quarters, or the conditions of Paragraph 59 have been met.
- j) Method. Respondents shall perform all monitoring for PFOA required under this Paragraph 42 using Standard Method 537 as used in the Unregulated Contaminant Monitoring Rule list 3 (UCMR3), or another EPA-approved analytical method.
- k) Implementation of Model Water Treatment Plan. Respondents shall implement the Model Water Treatment Plan, attached hereto as Exhibit A, for any water system whose owner or operator accepts Respondents' offer for a permanent alternate drinking water supply. As soon as practicable, but in any event no later than thirty (30) days after receipt of validated data, Respondents shall act to initiate design of treatment and seek

necessary regulatory permits to facilitate installation of GAC Treatment or an alternative approved by EPA. If an owner or operator of a water system rejects Respondents' offer; either through express rejection or failure to respond within forty-five (45) days after the offer is made, whichever occurs first, Respondents shall inform EPA in writing of this rejection and provide documentation within thirty (30) days after such rejection.

- l) Respondents' Operation and Maintenance Obligations. Respondents have or will execute operation and maintenance agreements ("O&M Agreements") with each water system owner or operator who has accepted the offer for GAC Treatment unless a water system owner or operator does not respond to a request to enter into an O&M Agreement with Respondents or refuses to enter into an O&M Agreement on reasonable terms with Respondents, in which case Respondents shall notify EPA in writing. Respondents will provide for operation and maintenance of the GAC Treatment or an alternative approved by EPA consistent with the specific terms of these O&M Agreements until Respondents demonstrate to the satisfaction of EPA that the concentration of PFOA detected in the water system's source water prior to treatment is equal to or less than 0.07 ppb for four consecutive quarters, or the conditions of Paragraph 59 have been met.
- m) Follow-up Monitoring Following GAC Treatment. After GAC Treatment is terminated, Respondents shall monitor the source water for PFOA annually at EPA-specified public and private water systems for a period of five (5) years.

14. Paragraph 43 in the Consent Order shall be revised as follows: Progress Reports. Respondents shall submit Progress Reports as follows:

- a) Beginning October 1, 2016, and quarterly thereafter, Respondents shall submit to EPA, WVDHHR, WVDEP, OEPA and ODH written reports summarizing all actions taken in response to Paragraph 42 herein ("Progress Reports"). This reporting requirement shall remain in effect until Respondents submit a written request to EPA to submit Progress Reports on an annual basis and EPA approves such a request. Respondents shall continue to submit Progress Reports until such time as EPA provides written notice that the reports are no longer necessary, or this Consent Order is terminated.
- b) All Progress Reports required by this Paragraph shall contain the following certification, which shall be signed by a responsible corporate official of any Respondent performing the work required under Paragraph 42 of this Consent Order and summarized in the Progress Report:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for

gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

c) For purposes of this Consent Order, a responsible corporate official shall be:

(A) a president, secretary, treasurer, or vice-president in charge of a principal business function, or any other person who performs similar policy or decision-making functions for any Respondent performing the work required under Paragraph 42 of this Consent Order; or

(B) the manager of the Washington Works, West Virginia, Facility, so long as authority to sign documents has been delegated in writing to the manager in accordance with corporate procedures.

15. The text of Paragraph 44 in the Consent Order shall be replaced with the phrase [INTENTIONALLY OMITTED].

16. Paragraph 48 of the Consent Order shall be modified only for the following EPA and WVDEP addressees:

As to EPA:

Roger Reinhart,
Compliance and Enforcement Team Leader, Safe Drinking Water
Act
Ground Water and Enforcement Branch
U.S. EPA Region III
1650 Arch Street (3WP22)
Philadelphia, PA 19103-2029

Jennifer Wilson
Environmental Engineer
Ground Water and Drinking Water Branch
U.S. EPA Region V
77 West Jackson Boulevard (WG-15J)
Chicago, IL 60604

As to WVDEP:

Yogesh Patel
Groundwater Protection and Permitting Section
Division of Water and Waste Management

W.Va. Dept. of Environmental Protection
601 57th Street, SE
Charleston, WV 25304

17. Paragraph 49 in the Consent Order shall be revised as follows: This Consent Order and any amendments thereto shall apply to and be binding upon DuPont and Chemours, and their successors and assigns. All references to Respondent or Respondents throughout this Consent Order and any amendments thereto shall include their successor and assigns, as applicable. Respondents shall provide a copy of this Consent Order and any amendments thereto to any contractor retained to perform work required under this Consent Order and any amendments thereto within ten (10) days after the Effective Date or the date of such retention, whichever is later. Respondents shall ensure that any such contractor performs the work in conformity with the terms of this Consent Order and any amendments thereto. In any action to enforce this Consent Order or any amendment thereto, Respondents shall not raise as a defense the failure by any of its officers, directors, employees, agents, or contractors to take any actions necessary to comply with the provisions of this Consent Order and any amendments thereto. Any change in the ownership or corporate status of either Respondent including, but not limited to, any transfer of assets or real or personal property shall not alter either Respondents' responsibilities under this Consent Order and any amendments thereto. In the event of the insolvency of any Respondent or the failure, as determined by EPA, by any Respondent to implement any requirement of this Consent Order and any amendments thereto, the remaining Respondent shall complete all such requirements.

18. The following paragraph shall be added to Section VI (General Provisions) of the Consent Order as Paragraph 49a: Any successor in interest to DuPont shall provide written notice to EPA within ten (10) days of formation of such successor in interest; formation being defined as the initial filing of the General Form for Registration of Securities pursuant to Section 12(b) or 12(g) of the Securities Exchange Act of 1934 ("SEC Form 10" or "Registration Statement") of the successor in interest. In addition, DuPont shall also make as a condition of the transfer of obligations and liability under this Consent Order, and any amendments thereto, an annual requirement for the successor in interest to submit to EPA, when filed with the SEC, a copy of the Annual Report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 ("SEC Form 10-K" or "Annual Report") to include the Report of Independent Registered Public Accounting Firm certifying the same. These submittals shall contain financial information sufficient to assess the assets and liabilities of the successor entity. If at any point during the term of this Consent Order, financial information regarding DuPont or the relevant successor is not required to be reported to the SEC through an SEC Form 10-K, such entity shall, at a minimum, submit to EPA within ninety (90) days after the close of its fiscal year a complete copy of its financial statements, audited in conformance with U.S. Generally Accepted Accounting Principles (GAAP) for the last completed fiscal year, and a copy of the independent CPA report on examination of its audited financial statements, or such other verified financial information acceptable to EPA as may be readily available that will enable EPA to ascertain the financial ability of the entity to perform the work. Furthermore, this entity and EPA shall engage in good faith discussions to reach consensus on a process for submitting to EPA on an annual

basis additional mutually acceptable information regarding its financial status. DuPont and its successors shall notify EPA within 30 days when DuPont's obligations and liabilities under this Consent Order are transferred to a different legal entity than that described above, providing the name of the entity, address and, as applicable, financial information as stipulated in this section.

19. Paragraph 51 in the Consent Order shall be revised as follows: This Consent Order shall not relieve Respondents of their obligations to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit.

20. Paragraph 53 in the Consent Order shall be revised as follows: The undersigned representatives of Respondents certify that they are fully authorized by Respondents to enter into the terms and conditions of this Consent Order and to execute and legally bind Respondents to it.

21. Paragraph 54 in the Consent Order shall be revised as follows: Pursuant to Section 1431(b) of the SDWA, 42 U.S.C. § 300i(b), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, as revised (78 Fed. Reg. 66643-48 (Nov. 6, 2013)), the violation of any term of this Consent Order, or failure or refusal to comply with this Consent Order, may subject Respondents to a civil penalty not to exceed \$21,500 for each day in which such violation occurs or failure to comply continues. Future revisions to 40 C.F.R. Part 19 will apply to violations of any term of this Consent Order, or failure or refusal to comply with this Consent Order by Respondents, and may subject Respondents to higher civil penalties.

22. Paragraph 55 in the Consent Order shall be revised as follows: When any Respondent knows or should have known, by the exercise of due diligence, of an event that might delay completion of any requirement of this Consent Order, such Respondent shall provide notice to EPA, in writing, within two (2) business days after any Respondent first knew, or in the exercise of due diligence, should have known, of such event. The notice shall describe in detail the basis for the delay, including whether it is a *force majeure* event, and describe the length of, precise cause(s) of, and measures taken or to be taken to prevent or minimize such delay. If EPA agrees that such event constitutes *force majeure*, EPA shall extend the time for performance of such requirement, in writing, to compensate for the delay caused by the *force majeure* event. Any Respondent's failure to notify in writing in accordance with this Paragraph shall render this Paragraph void and of no effect concerning such event. For purposes of this Consent Order, *force majeure* is defined as an event arising from causes beyond the control of DuPont and/or Chemours, and any entity controlled by DuPont and/or Chemours, which delays or prevents the performance of any obligation under this Consent Order. Unanticipated or increased costs or expenses associated with implementation of this Consent Order and changed financial circumstances shall not, in any event, be considered *force majeure* events. In addition, failure to apply for a required permit or approval or to provide in a timely manner all information required to obtain a permit or approval that is necessary to meet the requirements of this Consent Order, or to obtain or approve contracts, shall not, in any event, constitute *force majeure* events.

23. Paragraph 58 in the Consent Order shall be revised as follows: The effective date of this Consent Order is the date on which, after approval by the Regional Administrators, this Consent Order is filed with the Regional Hearing Clerks of both Region III and Region V. If the Consent Order is amended, the effective date of the Consent Order as amended is the date on which the Region III and Region V Regional Administrators sign the amendment, or, the last date upon which all signatures are obtained if not signed by the Region III and Region V Regional Administrators on the same day. In such circumstances, references to the "Effective Date" shall mean the effective date of this Consent Order as amended as described in this Paragraph 58.

24. Paragraph 59 in the Consent Order shall be revised as follows: This Consent Order and any amendments thereto shall remain in effect until Respondents fulfill their obligations pursuant to Paragraphs 42 and 43 herein, submit a written request to EPA to terminate this Consent Order and any amendments thereto, and EPA approves such termination request.


25. Nothing in this First Amendment to Order on Consent is intended to limit EPA's right, which EPA reserves, to modify the level for PFOA of 0.07 ppb in Paragraph 42 of the Consent Order as amended if information previously unknown to EPA is received and EPA determines that this previously unknown information, together with any other relevant information, indicates that such level may not be protective of human health. Respondents reserve all rights and defenses should EPA take action under this Paragraph. If either (i) EPA establishes a drinking water standard for PFOA, such as a maximum contaminant level, or issues a new Lifetime Health Advisory value for PFOA that revises the Lifetime Health Advisory value for PFOA issued on May 19, 2016, and such standard or value is higher than the level for PFOA of 0.07 ppb in Paragraph 42 of the Consent Order as amended, or (ii) the Lifetime Health Advisory value for PFOA issued on May 19, 2016, is set aside, suspended or eliminated, the parties agree to meet to discuss such changes, including the basis therefor, site specific facts and circumstances, and whether, based on such changes, facts and/or circumstances, the level of PFOA specified in Paragraph 42 of the Consent Order as amended should be modified.

26. The undersigned representatives of Respondents certify that they are fully authorized to enter into the terms and conditions of this First Amendment to Order on Consent and to execute and legally bind DuPont and Chemours to it.

27. This First Amendment to Order on Consent may be executed in any number of counterpart originals, each of which shall be deemed to constitute an original agreement, and all of which shall constitute one agreement. The execution of one counterpart by any party shall have the same force and effect as if that party had signed all other counterparts.

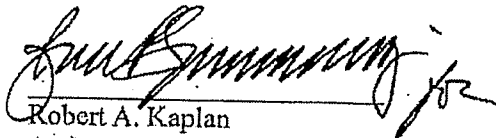
28. The effective date of this First Amendment to Order on Consent is the date on which the Region III and Region V Regional Administrators sign the First Amendment to Order on Consent, or, the last date upon which all signatures are obtained if not signed by the Region III and Region V Regional Administrators on the same day ("Effective Date").

SO ORDERED:


Cecil Rodriguez
Acting Regional Administrator
U.S. Environmental Protection Agency,
Region III

Date: 1/6/2017

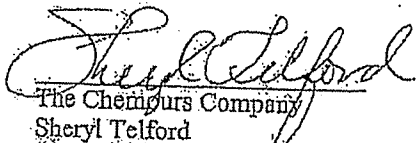
SO ORDERED:

A handwritten signature in black ink, appearing to read "Robert A. Kaplan", written over a horizontal line.

Robert A. Kaplan
Acting Regional Administrator
U.S. Environmental Protection Agency,
Region V

Date: 1/5/17

AGREED TO:

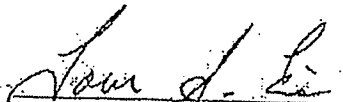

The Chemigurs Company

Sheryl Telford

Director, Environment, Health, Safety and Remediation

Date: 12/29/16

AGREED TO:


E. I. du Pont de Nemours and Company
Tom A. El
Manager of Corporate Remediation

Date: 12-30-2016